

REMARKS

I. Status of Claims

Upon entry of the Amendment, which is respectfully requested, claims 1, 3-20 and 25-29 will be pending in the present application. Claims 3, 17-20 and 25-29 are withdrawn from consideration. Claims 1, 2 and 4-16 are rejected.

Claims 2 is cancelled without prejudice or disclaimer.

Claim 4 is amended to correct its dependence from claim 1.

Claim 5 is amended. Support for the amendment can be found at least in the Examples of the present specification.

No new matter is added.

II. Response to Rejections under 35 U.S.C. § 103

A. Claims 1, 2 and 4-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Imamura et al. (WIPO Publication No. WO2004/080990) in view of Shell (U.S. Patent No. 5,582,837).

Applicants respectfully traverse.

Applicants respectfully submit that the present application claims priority under 35 U.S.C. §119 to Japanese Patent Application 2004-61489, and therefore is entitled to a priority date of March 4, 2004. This is earlier than any date that Imamura is entitled to as prior art.

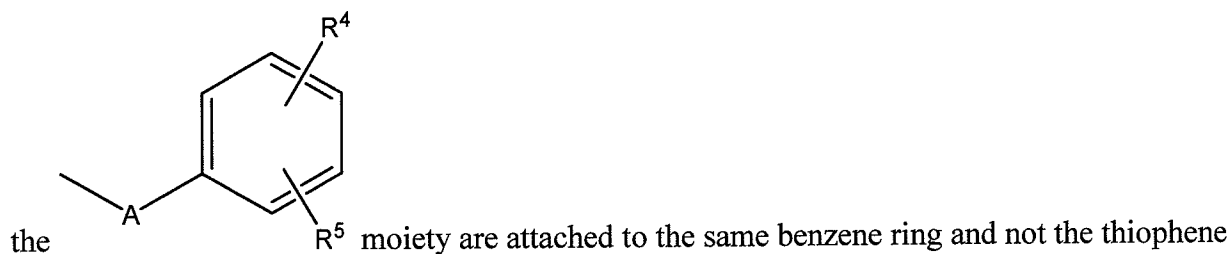
Applicants submit herewith a certified English translation of the priority document, JP 2004-61429, thereby perfecting priority of the present application and obviating Imamura as a reference.

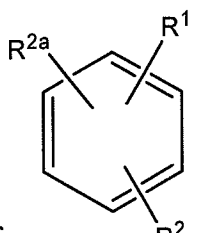
In view of the above Applicants respectfully request reconsideration and withdrawal of the §103 rejection of claims 1 and 4-16 based on Imamura in view of Shell.

B. Claims 1, 2 and 4-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ellsworth et al. (U.S. Patent No. 6,414,126) in view of Bedell et al. (J. Org. Chem., 1962, 27, p.2026-2031) and further in view of Shell.

Applicants respectfully traverse.

Applicants respectfully submit that the compounds of the presently claimed invention are distinguishable over the compounds disclosed in Ellsworth. In Ellsworth, the sugar moiety and



ring, even if  forms a benzothiophene ring. See at least the working Examples of Ellsworth. Neither Bedell nor Shell cures the above deficiency of Ellsworth. Furthermore, Bedell merely teaches that isopropylation to benzothiophene occurs predominantly at the 2-position rather than the 3-position, as in the presently claimed invention.

The diagram shows a benzothienophene ring system. It consists of a benzene ring fused to a thiophene ring. The benzene ring has substituents 'R1' at the 1-position and 'R2' at the 3-position. The thiophene ring has a substituent 'R2a' at the 2-position.

In view of the above, Applicants respectfully submit that even if a person of ordinary skill in the art were to combine the inventions of Ellsworth, Bedell and Shell, he would not arrive at the presently claimed invention with a reasonable expectation of success.

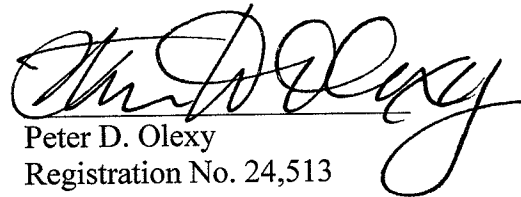
Therefore, Applicants respectfully request reconsideration and withdrawal of the §103 rejection of claims 1, 2 and 4-16 based on Ellsworth in view of Bedell and further in view of Shell.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Peter D. Olexy
Registration No. 24,513

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 27, 2008